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APR 26 2007

**OFFICE OF PETITIONS**

In re Application of :  
CHANG HYUN LEE, et al :  
Application No. 09/730,177 : DECISION ON PETITION  
Filed: December 5, 2000 :  
Attorney Docket No. SO-405 :  
:

This is a decision on the RENEWED petition under the unavoidable provisions of 37 CFR 1.137(a), filed June 19, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

Any further petition to revive must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed March 26, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 27, 2004.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). **The instant petition lacks items (1) and (3).**

The petition<sup>1</sup> to revive under 37 CFR 1.137(a) was filed on February 1, 2006 and dismissed on April 25, 2006 for lack of the required fee. The required fee was submitted with the renewed petition on June 19, 2006. The decision is based on the evidence submitted with the original petition filed on February 1, 2006.

Regarding item (1) the required reply.

The petition is not accompanied by the required reply.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 26, 2004. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2).

A copy of the final Office action mailed on March 26, 2004 is attached for petitioner's convenience.

Regarding item (3) the showing the entire delay was unavoidable.

Petitioner states that the application was unavoidably abandoned because applicant never received the Office action mailed on March 26, 2004. Petitioner further states that he does not maintain any docket records and accordingly does not have evidence of non-receipt of the office action. In support of the instant petition, petitioner states that a copy of the file jacket contents and records are attached.

A review of the USPTO file record indicates no irregularity in the mailing of the office communications, and, in the absence of any irregularity, there is a strong presumption that the office communication was properly mailed to the practitioner at the address of record.

The evidence of record points to a conclusion that the applicant did not receive the Office action because applicant failed to properly notify the USPTO of a change in correspondence address. In a letter to the client dated June 19, 2003, petitioner informs the client that his office in Melbourne, Florida will be officially closed as of June 30, 2003. Their new office and address will be 78 Cypress St., Millburn, New Jersey, 07041.

The USPTO file record shows that a change of correspondence address in the application was not filed until January 4, 2005 long after the application became abandoned. It appears that applicant did not realize a change of address was necessary until informed of the discrepancy in a petition decision dated December 16, 2004 by the USPTO. Prior to the change of address filed on January 4, 2005, all correspondence from the USPTO in the application including the final office

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<sup>1</sup> It is noted that petitioner did not sign page 2 of the petition request PTO/SB/61 to revive an application abandoned unavoidably under 37 CFR 1.137(a). However, petitioner's signature on page 3 is taken to be required signature for the petition in accordance with 37 CFR 1.4.

action dated March 26, 2004 and the Notice of Abandonment dated December 1, 2004 were mailed to 95 Bulldog Blvd., Suite 207, Melbourne, Florida 3290, the official correspondence address of record, even though the attorney of record closed the office at the address of record in June 2003. It took petitioner at least 18 months to inform the USPTO of the change in correspondence address as a result of notification by the USPTO.

A delay caused by the failure on the part of petitioner, or petitioner's representative, to provide the U.S. Patent and Trademark Office with a current correspondence address does not constitute an unavoidable delay. See Ray v. Lehman, 55 F.3d 606, 34 USPQ2d 1786 (Fed. Cir. 1995). Where an application becomes abandoned as a consequence of a change of correspondence address (the Office action being mailed to the old, uncorrected address and failing to reach the applicant in sufficient time to permit a timely reply) an adequate showing of "unavoidable" delay will require a showing that due care was taken to adhere to the requirement for prompt notification in each concerned application of the change of address (see MPEP § 601.03), and must include an adequate showing that a timely notification of the change of address was filed in the application concerned, and in a manner reasonably calculated to call attention to the fact that it was a notification of a change of address. The lack of notification, or belated notification, to the U.S. Patent and Trademark Office of the change in correspondence address does not constitute a proper notification of a change of address. In the instant application, it appears that applicant did not exercise due care or diligence by failing to take any steps to promptly notify the USPTO of a change of correspondence address and as a consequence there is no showing that the abandonment was unavoidable.

If petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, petitioner may wish to consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an “unintentionally” abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was “unavoidable.” This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An “unintentional” petition under 37 CFR 1.137(b) must be accompanied by the \$750 (under small entity status) petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By facsimile: (571) 273-8300  
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to Amelia Au at (571) 272-7414.



Brian Hearn  
Petitions Examiner  
Office of Petitions

Attachment: Final Office action dated March 26, 2004



# UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,177	12/05/2000	Chang Hyun Lee	SO-405	8039
7590	03/26/2004			
Transnational Enterprises, Inc. Ste 207 95 Bulldog Blvd. Melbourne, FL 32901			EXAMINER	
			GRANT, ALVIN J	
			ART UNIT	PAPER NUMBER
			3723	9

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> <b>09/730,177</b>	<b>Applicant(s)</b> <b>LEE ET AL.</b>
<b>Examiner</b> <b>Alvin J. Grant</b>	<b>Art Unit</b> <b>3723</b>	
<i>— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —</i>		
<b>Period for Reply</b>		
<b>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</b>		
<p>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</p> <p>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</p> <p>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</p> <p>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</p> <p>Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</p>		
<b>Status</b>		
<p>1)<input checked="" type="checkbox"/> <b>Responsive to communication(s) filed on <u>21 May 2002</u>.</b></p> <p>2a)<input checked="" type="checkbox"/> <b>This action is FINAL.</b>      2b)<input type="checkbox"/> <b>This action is non-final.</b></p> <p>3)<input type="checkbox"/> <b>Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</b></p>		
<b>Disposition of Claims</b>		
<p>4)<input checked="" type="checkbox"/> <b>Claim(s) <u>8-19</u> is/are pending in the application.</b></p> <p>4a) Of the above claim(s) _____ is/are withdrawn from consideration.</p> <p>5)<input type="checkbox"/> <b>Claim(s) _____ is/are allowed.</b></p> <p>6)<input checked="" type="checkbox"/> <b>Claim(s) <u>8-19</u> is/are rejected.</b></p> <p>7)<input type="checkbox"/> <b>Claim(s) _____ is/are objected to.</b></p> <p>8)<input type="checkbox"/> <b>Claim(s) _____ are subject to restriction and/or election requirement.</b></p>		
<b>Application Papers</b>		
<p>9)<input type="checkbox"/> <b>The specification is objected to by the Examiner.</b></p> <p>10)<input type="checkbox"/> <b>The drawing(s) filed on _____ is/are: a)<input type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner.</b></p> <p style="margin-left: 20px;">Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p> <p style="margin-left: 20px;">Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).</p> <p>11)<input type="checkbox"/> <b>The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.</b></p>		
<b>Priority under 35 U.S.C. § 119</b>		
<p>12)<input checked="" type="checkbox"/> <b>Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</b></p> <p>a)<input checked="" type="checkbox"/> <b>All</b>   b)<input type="checkbox"/> <b>Some</b> * c)<input type="checkbox"/> <b>None of:</b></p> <p>1.<input checked="" type="checkbox"/> <b>Certified copies of the priority documents have been received.</b></p> <p>2.<input type="checkbox"/> <b>Certified copies of the priority documents have been received in Application No. _____.</b></p> <p>3.<input type="checkbox"/> <b>Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</b></p>		
<p>* See the attached detailed Office action for a list of the certified copies not received.</p>		
<b>Attachment(s)</b>		
<p>1)<input checked="" type="checkbox"/> <b>Notice of References Cited (PTO-892)</b></p> <p>2)<input type="checkbox"/> <b>Notice of Draftsperson's Patent Drawing Review (PTO-948)</b></p> <p>3)<input type="checkbox"/> <b>Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)</b> Paper No(s)/Mail Date _____</p> <p>4)<input type="checkbox"/> <b>Interview Summary (PTO-413)</b> Paper No(s)/Mail Date _____</p> <p>5)<input type="checkbox"/> <b>Notice of Informal Patent Application (PTO-152)</b></p> <p>6)<input checked="" type="checkbox"/> <b>Other: <u>Additional</u></b></p>		

**Notice**

Neither the amendment filed on 17 April 2002 nor the amendment filed on 15 May 2002 complied with Rule 121 as it stood at the time of filing of either of these amendments. However, as the office has just recently been made aware of the 15 May 2002 amendment, both amendments will be accepted and considered together under rule 135(c) as set forth in MPEP 710.01 as a response so that the merits of the application will be examined. The Examiner is able to act on the claims but the amendments made to the specification have not been made. Any reply to this action must be in conformance with 37CFR 1.21 in its current form as amended effective on 30 July 2003. Please note a copy of the updated version of Rule 121 is attached to this office action for your convenience.

**DETAILED ACTION**

***Claim Objections***

**Claims 8, 11, 12, 14, 15, 16, 17 and 19** are objected to because of the following informalities:

- Claim 8, in the last line, change "with predetermined intervals" to read, "at predetermined intervals".
- Claim 11, line 1, change "comprising" to read, "comprises"; and in line 2, change "which are" to read, "and located".
- Claim 12, line 2, change "with respect to on both sides" to read, "respectively on both sides".
- Claim 14, change "increase the ring portion to the periphery" to read, "increase from the ring portion toward the periphery".
- Claim 15, line 4, change "gradually according as" to read, "gradually as".
- Claim 16, line 1, change "comprising" to read, "comprises"; and in line 2, change "which are" to read "located".
- Claim 17, line 2, change "with respect to on both side surfaces" to read, "respectively on both side surfaces".

- Claim 19, line 3, change "according as" to read, "as".

Appropriate correction is required.

### **Claim Rejections - 35 USC § 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 8-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

**Claim 1, lines 11 and 12, recite the limitation "surface of the circular steel disk are radially overlapped in position with the wings on the other side surface" which is awkwardly and confusingly worded.**

**Claims 10 and 15 recite the limitation "both arcs" in 1. There is insufficient antecedent basis for this limitation in the claim.**

### **Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 8-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ji '017 in view of Achterberg '786.**

Ji discloses a saw blade comprising a steel disk including an opening at the center for connecting with a shaft of a motor-driven tool and particulate bearing layer on both surfaces of the steel disk, a plurality of streamlined wings extending from the ring portion to the periphery of the steel disk, the streamlined wings are formed on both side surfaces of the steel disk so that the first streamlined wings are formed on both side surfaces of the steel disk are overlapped with second streamlined wings attached on the other side

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surface ; the first streamlined wings on one side surface of the circular steel disk are overlapped in a full and aligned manner with the second streamlined wings on the other side surface of the circular disk; the steel disk comprises a plurality of slits on its outer periphery at predetermined intervals between the cutting segments; and the cutting segments are turbo-type defined as planar jig-jag profiles with respect to both sides of the cutting surface. Ji does not specifically disclose that the blade contained slits on the periphery at predetermined intervals with holes with sizes increasing from the center toward the periphery of the blade. Achterberg discloses a saw blade containing slits located at predetermined intervals along the periphery and holes with sizes increasing from the center to the periphery of the saw blade so as to improve the cutting ability of the blade and to aid in the dissipation of the heat contained therein. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the saw blade of Ji to have slits located at predetermined intervals along the periphery and holes with sizes increasing from the center to the periphery of the saw blade as taught by Achterberg, so as to improve the cutting ability of the blade and to aid in the dissipation of the heat contained therein.

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin J Grant whose telephone number is (703) 305-3315. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J Hail can be reached on (703) 308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ajg



Joseph J. Hail, III  
Supervisory Patent Examiner  
Technology Center 3700

**Notice of References Cited**

Application/Control No.

09/730,177

Applicant(s)/Patent Under

Reexamination

LEE ET AL.

Examiner

Alvin J Grant

Art Unit

3723

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**U.S. PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
A	US-6,277,017 B1	08-2001	Ji, Beom Hyun	451/547
B	US-Des. 382,786	08-1977	Achterberg et al.	D8/20
C	US-			
D	US-			
E	US-			
F	US-			
G	US-			
H	US-			
I	US-			
J	US-			
K	US-			
L	US-			
M	US-			

**FOREIGN PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
N					
O					
P					
Q					
R					
S					
T					

**NON-PATENT DOCUMENTS**

Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)

*	U	
	V	
	W	
	X	

<sup>1</sup>A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.